

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PARIS MORTON,

Plaintiff,

v.

JAMES E. CRITTERDEN,

Defendant.

Case No. 2:23-cv-00210-GMN-EJY

REPORT AND RECOMMENDATION

On February 9, 2023, Plaintiff filed Initiating Documents with the Clerk of Court, including an application to proceed *in forma pauperis* ("IFP") and a Complaint. ECF Nos. 1, 1-2. Plaintiff did not file a complete IFP application for prisoners as she failed to include the necessary financial attachments. The Court denied Plaintiff's initial IFP application without prejudice. ECF No. 3. On March 3, 2023, Plaintiff filed a renewed IFP application. ECF No. 4.

On April 10, 2023, the Court issued an Order granting Plaintiff's renewed IFP application. ECF No. 5 at 1. The Court screened and recommended dismissal without prejudice of Plaintiff's Complaint for failure to state a claim under federal copyright law. *Id.* at 6. The Court permitted Plaintiff until May 15, 2023 to file an amended complaint to remedy the deficiencies with her initial Complaint. *Id.* The Court explained if Plaintiff failed to comply with the Order, it would recommend dismissal of this action without prejudice. *Id.* at 7. As of the date of this Recommendation, Plaintiff has not complied with the Court's Order.

Therefore, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice for failure to comply with the Court's April 10, 2023 Order.

Dated this 5th day June, 2023.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).